



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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September 13, 2005

BY FACSIMILE

Honorable Laura Taylor Swain, U.S.D.J.
United States District Court
Southern District of New York
40 Centre Street, Room 1205
New York, New York 10007-1581

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: SEC v. Amerindo Investment Advisors Inc., et al.,
05-CV-5231 (LTS) (DFE) (S.D.N.Y.)

Dear Judge Swain:

I am counsel for the plaintiff Securities and Exchange Commission in this action. I am submitting this letter on behalf of all of the parties to this litigation. Defendants Alberto W. Vilar and Gary A. Tanaka respectfully request that the Court extend the September 19, 2005 deadline for them to respond to the Complaint. The Commission does not oppose this request. Additionally, all parties request that the Court convert the October 7, 2005 pre-trial conference into a status conference to discuss, among other things, a schedule for defendants Vilar and Tanaka to respond to the Complaint and the likelihood that the plaintiff Commission may seek to amend the Complaint.

The Commission commenced this action by filing a Complaint on June 1, 2005. The Complaint names as defendants Amerindo Investment Advisors Inc. ("Amerindo"), Vilar, and Tanaka. Defendants' responses to the Complaint were initially due in July 2005. Upon stipulation of the parties, the Court extended the time for each defendant to respond to the Complaint until August 19, 2005. Defendant Amerindo answered the Complaint on August 19, 2005. The Court then extended the time for defendants Vilar and Tanaka to respond to the Complaint until September 19, 2005.

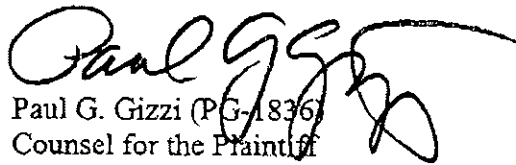
Pursuant to the Court's Order dated August 22, 2005, the parties met to confer and to draft a Preliminary Pre-Trial Statement in anticipation of the initial pre-trial conference scheduled for October 7, 2005. As we began to confer, it became clear that the parties held different views as to how the action should proceed. Defendants Vilar and Tanaka are also defendants in a criminal action currently pending in the Southern District of New York, United States v. Vilar, 05 Cr. 621 (KMK), and they have concerns about their ability to respond to the

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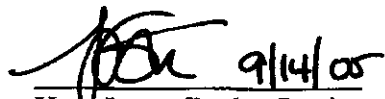
Complaint while the criminal proceeding is pending. The plaintiff Commission is considering amending the Complaint to add parties and factual allegations.

In light of the above, defendants Vilar and Tanaka respectfully request that the date by which defendants Vilar and Tanaka must respond to the Complaint be extended to a date set by the Court at the October 7, 2005 conference. In addition, all parties to this action respectfully request that the pre-trial conference scheduled for October 7, 2005 be held as a status conference at which we will inform the Court as to the status of the parties' concerns and seek the Court's guidance. Finally, the parties respectfully request that the initial pre-trial conference and related obligations set forth in the Initial Conference Order be rescheduled at that October 7, 2005 hearing.

Respectfully submitted,


Paul G. Gizzi (PG-1836)
Counsel for the Plaintiff
Securities and Exchange Commission

The foregoing requests are granted.
So Ordered:


Hon. Laura Taylor Swain
United States District Judge

cc: Justin M. Sher, Esq.
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